

IN THE UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

AT ORLANDO FLORIDA

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ROY L. SMARTT (Pro se)  
120 W. Chipola Avenue  
Deland, Florida 32720

vs. PLAINTIFF

NATIONAL PERSONNEL  
RECORDS CENTER;  
SCOT LEVINS,  
Director, Et al  
1 Archives Drive  
St Louis, MO. 63138  
DEFENDANT.

Case No.  
6:16-cv-1667 ORL-40DAB

US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

2016 SEP 23 PM 1:37

FILED

TO THE HONORABLE COURT AFORESAID:

JURISDICTIONAL STATEMENT

The Court's Jurisdiction is invoked under / by the Fourteenth Amendment to the Constitution of the United States and the Due Process and Equal Protection Clauses thereof.

COMPLAINT

The plaintiff, Roy L. Smartt, sues the Defendant, National Personnel Records Center, For personal damages in the amount of two hundred and fifty thousand dollars.

Further, Plaintiff sues Defendant for Punitive Damages in the amount of Three Million Dollars.

COMPLAINT cont.

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STATEMENT OF FACTS

The defendant is the keeper of the National Personnel Military Records and their safe keeping, Against FIRE, WATER, etc..

It was the duty of the defendant to special care of such military records. Though the defendant's NEGLIGENCE, More than a million records were destroyed. SEE EXHIBIT 'A'.

Plaintiff's military records were allegedly destroyed in the same fire. Thus causing the plaintiff great harm in as much as causing the plaintiff to lose all hope of ever having his bad discharge corrected by the Correction Board, After having spending better than forty (40) years of trying to get his bad discharge up graded to honorable. SEE-EXHIBIT-'B'.

Because of the defendant's NEGLIGENCE and failure to store plaintiff's record in a FIRE PROOF storage, Plaintiff has been caused to suffer great mental stress and and worry.

It is an unavoidable fact that plaintiff's records were NOT stored in a 'FIRE PROOF' type storage.

Plaintiff is hereby suing the defendant for PUNITIVE DAMAGES, Seeking the sum of three million dollars. Defendant admits this fact.

Due to the defendant's NEGLIGENCE, Plaintiff has no way or hope to prove that he was denied and deprived of ALL of his Federal Constitutional Rights in 1953 when the plaintiff was wrongfully discharged by one (1) person, Lt Col. Bracher, was the prosecutor, Judge, and Excuser. The plaintiff was denied DUE PROCESS; EQUAL PROTECTION; RIGHT TO be informed of any / all charges against him; TRIAL BY JURY; Any chance to appeal the CAUSE FOR DISCHARGE.

COMPLAINT cont.

Case No. \_\_\_\_\_

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EXHIBIT 'D' was also wrote by a Correction Board membe  
-r and in the fourth (4th) line, It is stated:

"distroyed and can not be reconstrucedd".  
FURTHERMORE, The Board Member talks of a "BRIEF" that has a  
lot of "PERTinent Evidence in it". This is talked of, LONG  
AFTER THE FIRE OF 1973. Yet, The defendant has refused, FOR  
YEARS, To furnish ..to provide the plaintiff with his right  
-fully due "COPIES OF RECORDS like the plaintiff has requested  
a large number of times. THIS IS A GROSS VIOLATION of the  
plaintiff's Federal Constitutional rights to DUE PROCESS and  
EQUAL PROTECTION.

WHEREFORE Plaintiff DEMANDS JUDGEMENT AGAINST THE DEFENDANT.

FURTHERMORE, Plaintiff DEMANDS AN ANSWER HERETO, WITHIN  
TWENTY ONE (21) DAYS. TOO, Plaintiff DEMANDS the defendant to  
furnish the plaintiff with VERBATIM COPIES of any and ALL  
papers, documents, and records that the defendant intends to  
use in his defense.

Respectfully submitted

/s/   
\_\_\_\_\_  
COUNSEL OF RECORD

PLAINTIFF AVERS THAT THIS FOREGO LAWSUIT IS BROUGHT IN  
GOOD FAITH.

/s/   
\_\_\_\_\_  
Roy L. Smartt, Pl,aintiff (Pro s

-Se.)

Roy L. Smartt  
120 W. Chipola Avenue  
Deland, Florida 32720

NO PHONE=MAIL ONLY